

05-16825-035

**AFFIDAVIT OF SPECIAL AGENT DAVID GEORGE**

I, David George, being duly sworn, hereby depose and say:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), United States Department of Justice, and have been so employed for over six years. I currently am assigned to the Cyber Crimes Squad of the Boston Field Office of the FBI, and have been assigned to this squad for approximately three years. Since my assignment to this squad, I have received basic and advanced training on computer systems and computer based investigations, particularly investigations of crimes involving the sexual exploitation of children via computer telecommunications (commonly referred to as the "Internet"), and have personally conducted numerous such investigations.

2. This affidavit is submitted in support of an application for a criminal complaint charging Noel Neff, of 262 East Avenue, #2, Norwalk, Connecticut, with violations of Section 2422(b) and 2423(b) of Title 18 of the United States Code.

3. The information set forth in this affidavit is based on investigation conducted by this affiant and other law enforcement agents. This affidavit does not contain every fact known to me with respect to this investigation. Rather, it contains those facts I believe to be necessary to establish probable cause for issuance of a criminal complaint for Noel Neff, a/k/a

"Connnguy203" (an America Online (AOL) identity utilized by Neff), charging him with using a means of interstate commerce, namely the Internet, to attempt or persuade, induce, entice or coerce a minor to engage in sexual activity in violation of Title 18, United States Code, Section 2422(b), and traveling to engage in sexual activity with a minor, in violation of Title 18, United States Code, Section 2423(b). In this case, the applicable sexual activity your affiant believes Neff proposed to carry out with an individual whom he believed to be a 14 year old male, included, but is not limited to, the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with intent to arouse or gratify the sexual desire of any person.

#### **RELEVANT STATUTES**

4. Title 18, United States Code, Section 2422(b), makes it illegal for any person to use any facility or means of interstate commerce to persuade, induce, entice, or coerce a person under the age of 18 to engage in illegal sexual activity.

5. Title 18, United States Code, Section 2423(b), makes it illegal for any person to travel to commit a sexual act with a person under 18 years old that would be a violation of Chapter 109A.

6. With respect to the first stated element of Section 2422(b), AOL is "a means of interstate or foreign commerce" because each AOL user must have access to an electronic device which can communicate via the Internet with AOL's central computer system located in Northern Virginia. The second element is established by the content of the instant message and email communications between Neff and the UCA (described in further detail below), and Neff's actions in traveling from Norwalk, Connecticut to Franklin, Massachusetts, to meet an FBI undercover agent (UCA), "Chris", who he believed to be 14 years of age. As to the last element, under Massachusetts law it is a crime for an adult to have any kind of sexual contact with a minor, regardless of consent. See e.g. Massachusetts General Laws, Chapter 265, Section 23 (Rape and abuse of a child under 16 years of age), and Section 24B (assault with intent to commit rape upon a child under 16 years of age).

#### **America OnLine (AOL)**

7. AOL is an Internet Service Provider (ISP) that offers its users access to chat rooms. Within these chat rooms, users can post messages to all the users in the room and/or communicate directly with an individual user in that room, or any user logged into the AOL network. Chat and instant messaging are real-time type-written conversations between people, much like a verbal

conversation. AOL also offers e-mail service for its users. Within the AOL system, text messages and graphic images (such as photographs) can be sent to/from AOL users, or to any person with an Internet e-mail address. Both text and graphic image files can be saved to a computer disk drive for access and printing at any time.

#### **BACKGROUND OF INVESTIGATION**

8. The FBI, as well as numerous state and local law enforcement agencies, are currently conducting undercover operations targeting individuals who use the Internet to transmit and receive child pornography and/or to lure minors into illicit sexual relationships.

9. One means by which individuals seek to communicate with and lure minors into illicit sexual relationships via the Internet is through the use of internet chat rooms and instant message (IM) chats. Such Internet transmissions are achieved through utilization of Internet Protocol (IP) addressing. An IP address, expressed as four numbers separated by decimal points, is unique to a particular computer during an online session. The IP address provides a unique location making it possible for data to be transferred between computers.

10. On April 26, 2005, at approximately 7:15 p.m. (all times referenced in this affidavit are Eastern Standard Time),

your affiant (the UCA), acting in an undercover capacity, logged on to AOL, via a computer located in Boston, Massachusetts. Your affiant subsequently entered a chat room entitled "DAD FKS YNG SON." Shortly thereafter, the AOL user "Connguy203" entered the chat room, and posted a message to the room stating "older masculine dad looking to chat with young son. IM me." Shortly thereafter, the UCA received an unsolicited IM from Connguy203. An IM conversation ensued, during which Connguy203 asked the UCA how old he was, to which the UCA responded "14". Connguy203 then asked the UCA if he had "feelings for guys" and later stated "i can sense you (the UCA) are curious about everything."

11. Since this initial IM chat, the UCA has had over twenty additional IM conversations and e-mail exchanges with Connguy203, the most recent on July 8, 2005. Through the course of these IM conversations and e-mail exchanges, Connguy203 has provided details about his personal life, to include his name (Noel Neff), age (46, born February 4, 1959), photographs of himself, occupation (writer for the Weekly Reader), and hobbies, and has expressed a strong interest in the personal life of the UCA. In addition, Connguy203 has provided sexually explicit advise to the UCA, in which he has described how two males engage in sexual intercourse, and has expressed a strong desire to meet the UCA,

to be a friend and sexual mentor to the UCA. A portion of these IM conversations are quoted and/or summarized below.

12. On April 29, 2005, at approximately 7:10 p.m., the UCA was logged onto AOL when he initiated an IM conversation with Connguy203. During this conversation, Connguy203 stated "i get the impression you (the UCA) wanto do more stuff with guys" and asked the UCA "have you ever thought about sex?" The UCA later asked Connguy203 when he had his first sexual encounter with a guy. In response, Connguy203 provided details about a purported sexual relationship he had (as an adult) with a 15 year old male named "Ronny".

13. On May 6, 2005, at approximately 4:24 p.m., the UCA was logged onto AOL when he initiated an IM conversation with Connguy203. During this conversation, Connguy203 provided details about a recent purported sexual encounter he had with a 17 year old male in California, named "Brad", who he met in AOL. As he described his relationship with Brad, Connguy203 stated "i don't just meet guys for the sex. i really kind of fall for them", and later stated "i could never meet a youong guy for sex and not have feelings for him."

14. On June 1, 2005, at approximately 8:00 p.m., the UCA was logged onto AOL when Connguy203 initiated an IM conversation with the UCA. During this conversation, Connguy203 explained he had been away in Europe on vacation since May 13 (2005), and that

Internet access was minimal. During the conversation, Connguy203 stated he adored the UCA and that the UCA was "one awesome guy." During this conversation, Connguy203 told the UCA he would be "honored" to teach the UCA about sex and stated he could get into trouble chatting with a minor.

15. On June 6, 2005, at approximately 4:45 p.m., the UCA was logged onto AOL when he initiated an IM conversation with Connguy203. During the ensuing conversation, the UCA sent Connguy203 an image (purported to be of the UCA), of an adolescent male, via e-mail, to nneff@weeklyreader.com. After receiving the image, the UCA and Connguy203 discussed the UCA's physical appearance. The following is a verbatim transcript of a portion of the chat session:

UCA: ineed to work out

UCA: wish i was biggr

**Connguy203: i can help you**

**Connguy203: but you are also young**

UCA: ???

**Connguy203: i mean, you will only get bigger with age**

**Connguy203: and muscles will start popping out everywhere**

UCA: hopeso

**Connguy203: you have beautiful eyes**

UCA: thnx



UCA: mom says that 2

**Connguy203: it's a nice face, chris**

**Connguy203: ok, I'll stop**

**Connguy203: I'm scaring myself**

UCA: ???

**Connguy203: i sound like michael jackson**

UCA: ur not mj

UCA: tht guysa freak

**Connguy203: yeah he is**

**Connguy203: he lured boys that didn't know what they were getting into.**

Later that evening, during a separate IM conversation initiated by Connguy203, Connguy203 sent an email to the UCA. The email contained an image, purported to be of Connguy203. This image was a photograph of a white male, who appeared to be wearing only underwear. This photograph matches the general physical description provided by Connguy203 to the UCA.

16. On June 13, 2005, at approximately 8:19 p.m., the UCA was logged onto AOL when Connguy203 initiated an IM conversation with the UCA. As the conversation ensued, Connguy203 asked the UCA "who do you think is a hot guy?" The following is a verbatim transcript of that portion of the chat session:

**Connguy203: who do you think is a hot guy?**



UCA: strong

UCA: musclur

**Connguy203: very cool**

UCA: what bout u?

**Connguy203: i like toned guys, not too muscular. cuteness**

**helps**

UCA: thats good 4 me iguess

**Connguy203: lolol**

**Connguy203: does that mean you want me?**

UCA: yeah

**Connguy203: thanks, chris. that is nice of you**

UCA: and u?

**Connguy203: well, if i said i "wanted" you, it would make me**

**sound like a pedophile**

UCA: u mean a perv?

**Connguy203: yes**

UCA: urnt a perv noel

**Connguy203: i don't ever want to be considered one**

UCA: i getit noel

**Connguy203: thgis might sopund weird to you, but i consider  
you more like a son**

UCA: ok

**Connguy203: i mean, a son who is totally open**

**Connguy203: i guess that sounds weird**

UCA: so u don't want 2 teach me?

**Connguy203: yes, i do**

**Connguy203: very much so**

**Connguy203: like a dad would teach a son**

**Connguy203: actually, more than that**

UCA: about sex?

**Connguy203: sure**

**Connguy203: and anything else that means something to you**

UCA: cool

UCA: imnot telln nyone bout us

UCA: just so u now

UCA: and pls don't tell nyone bout me

**Connguy203: i know, baby**

**Connguy203: heck no**

**Connguy203: it's sort of like forbidden love**

Later in the conversation, Connguy203 discusses the risk and consequences of exposure of his relationship with the UCA and the perception others may have about this relationship. The following is a verbatim transcript of that portion of the chat session:

Connguy203: i mean, if i had a 14 year old son, I'd be  
keeping an eye on him because guys like me

Connguy203: because OF guys like me

Connguy203: although i have no ill intent

UCA: guys like u?

UCA: id tell my mom

UCA: idont really care

UCA: but it's the gaything noel

Connguy203: you;d tell your mom what, chris? if i did  
something bad?

Connguy203: yeah, it's the gay thing

UCA: bad?

Connguy203: well, here i am telling you to be very careful

Connguy203: and yet i am harmless

Connguy203: but you don't really know that

UCA: confused i am

Connguy203: lol

Connguy203: you sound like Yoda!

UCA: yeah

UCA: saw the old ones

Connguy203: I think i start sounding like this when i meet  
such a cool yooung guy

UCA: ???

Connguy203: i start going through all the possibilities in  
my head

Connguy203: what could go wrong?

Connguy203: how to i defend myself if someone questioned my  
motive?

UCA: ???

Connguy203: well, how does a 46 year-old man explain an  
interest in a 14 year-old boy?

Connguy203: 170 miles away

UCA: so how did u explain it b4?

Connguy203: didn't have to

Connguy203: and i don't this time

UCA: sorry noel

UCA: not thkn bout u

Connguy203: I'm babbling

UCA: its ok

Connguy203: i have more to lose than you, in some ways

Connguy203: in many ways

Connguy203: but i also have so much to gain

Connguy203: I'm drawn to you

UCA: me 2

UCA: but idont want u2 get in trbl noel

**Connguy203: you're so beautiful**

**Connguy203: i guess it's just something to consider before  
we meet in person**

UCA: yeah

UCA: ur right

**Connguy203: proceed with caution**

17. On June 23, 2005, at approximately 7:11 p.m., the UCA was logged onto AOL when he initiated an IM conversation with Connguy203. During this conversation, Connguy203 advised he has two computers, "an older PC and a new laptop." Shortly thereafter, the UCA and Connguy203 discussed their relationship and about possibly meeting in person. The following is a verbatim transcript of that portion of the chat session:

**Connguy203: "do you understand the legal ramifications if a  
46 year-old guy has relations with a 14 year-old?"**

UCA: not really noel

UCA: cept i don't want u 2 get in trbl

**Connguy203: well, if you and i were to engage in sex, and  
someone found out, i could go to prison for what is called  
"statutory rape"**

UCA: what if i was 15?

**Connguy203: 16 is the age limit in most states**

Shortly thereafter, the UCA asked Connguy203 about his prior relationship with a 15 year old male, as previously described by Connguy203 (reference paragraph 12 of this affidavit). The following is a verbatim transcript of that portion of the chat session:

UCA: but howd u do it b4?

**Connguy203: with the 15-year-old?**

UCA: yup

**Connguy203: well, i sweated bullets over him, believe me**

**Connguy203: what i did was foolish**

UCA: did he tell nyone?

**Connguy203: no, but he threatened to**

**Connguy203: i guess the bottom line is that he was gay and he was a willing participant. Plus, he had anal sex with me before i had anal sex with him**

UCA: so its ok then if the kid does it first?

**Connguy203: that doesn't make it right, but there was no evidence i had penetrated him**

UCA: ???

**Connguy203: I'm just saying, Chris, that there is nothing wrong with you and i meeting each other**

**Connguy203: but i am not meeting you for sex**

**Connguy203: at least, i can't tell you that i am**

UCA: so the sex would be wrong

UCA: ???

**Connguy203: from my vantagepoint, yes**

**Connguy203: do you know what being ambiguous means?**

UCA: nope

**Connguy203: it means i am telling you one thing but also  
telling you that rules aren't set in stone**

18. On July 6, 2005, at approximately 7:49 p.m., the UCA was logged onto AOL when Connguy203 initiated an IM conversation with the UCA. During this conversation, Connguy203 discussed specific arrangements to meet the UCA, in person, on Saturday (July 9, 2005), in the afternoon, at the Strawberries Records store, 120 Franklin Village Drive, Franklin, Massachusetts. During this conversation, Connguy203 told the UCA that when they meet "i will let you (the UCA) make the first move." Connguy203 stated he would be driving a blue-green Saturn, with CT (Connecticut) tags, to travel to meet the UCA.

19. On July 8, 2005, at approximately 2:25 p.m., the UCA was logged onto AOL when he initiated an IM conversation with Connguy203. During this conversation, Connguy203 confirmed his plan to meet the UCA at the Strawberries Records store in Franklin, Massachusetts, at approximately 1:00 p.m. During this



conversation, Connguy203 stated he would like to purchase "sexy" clothing for the UCA, possibly underwear. Connguy203 also asked if the UCA wanted him to bring magazines of "naked guys" for the UCA to view, asking the UCA "are you ready to see two guys having sex?" Later in the conversation, Connguy203 stated he might bring a small tube of lube for the UCA, to assist the UCA while masturbating.

20. On May 6, 2005, the FBI conducted a query of motor vehicle records for the State of Connecticut. This query revealed a Noel E. Neff, born February 4, 1959, with a residential address of 262 East Ave 2, Norwalk, Connecticut. Neff's drivers license number is CT027437364. One vehicle is listed as registered to Neff: a 1996 Saturn SL2, four door, blue green in color, registration 533LCV.

21. Information obtained on May 16, 2005, pursuant to an administrative subpoena served on AOL, reveals the AOL screen name "Connguy203" is subscribed to Noel Neff, 39 Seaview Ave., Apt 2B, East Norwalk, CT 06855.

22. On July 4, 2005, Connguy203 and the UCA had an IM conversation, initiated at approximately 3:41 p.m. and concluding at approximately 4:36 p.m. Information obtained on July 8, 2005, pursuant to an administrative subpoena served on AOL, lists a log on for Connguy203, on July 4, 2005, at 3:38:29 p.m., from the

originating IP address 67.86.74.222. These records list Connguy203 logging off AOL at 4:36:21 p.m.

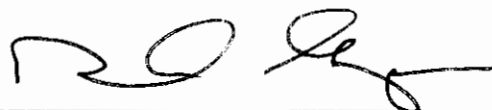
23. The IP address 67.86.74.222 belongs to Cablevision, a high speed Internet service provider. Information obtained on July 8, 2005, pursuant to an administrative subpoena served on Cablevision, reveals the IP address 67.86.74.222, during the aforementioned time period, was assigned to Noel Neff, 262 East Ave, Apt 1R, Norwalk, CT 06855.

24. On July 9, 2005, FBI agents conducted surveillance of Neff's residence in the vicinity of 262 East Avenue, Norwalk, Connecticut. At approximately 11:00 a.m., FBI agents observed a dark-colored Saturn, Connecticut registration 533LCV, depart the vicinity.

25. On July 9, 2005, at approximately 1:40 p.m., FBI agents observed a Saturn, Connecticut registration 533LCV, park near the aforementioned Strawberries Records store in Franklin, Massachusetts. At approximately 1:41 p.m., an individual, believed to be Noel Neff, was observed walking towards the entrance of the record store. At this time, Special Agents of the FBI approached Neff and identified themselves. The Agents then confirmed the identity of Neff, and arrested him.

**CONCLUSION**

26. Based upon the above information and your affiant's experience, your affiant respectfully submits that there is probable cause to arrest Noel Neff, of 262 East Avenue, #2, Norwalk, Connecticut, for violations of Title 18, United States Code, Sections 2422(b) and 2423(b).

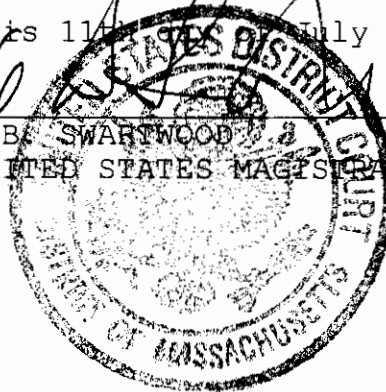


David George  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed before me this 11th day of July 2005.



CHARLES B. SWARTWOOD  
CHIEF UNITED STATES MAGISTRATE  
JUDGE



**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: \_\_\_\_\_ Category No. II Investigating Agency FBICity Franklin Related Case Information:County Norfolk Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Noel Neff Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address 262 East Avenue, Apt. 2, Norwalk, CTBirth date (Year only): 1959 SSN (last 4 #): 8576 Sex M Race: White Nationality: U.S

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Robert E. Richardson Bar Number if applicable 558489Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested☐ Regular Process☐ In Custody**Location Status:**Arrest Date: July 9, 2005☐ Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☒ Complaint ☐ Information ☐ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 7/11/05 Signature of AUSA: Robert E. Richardson

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Noel Neff

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. § 2422(b)</u>	<u>Inducing minor to engage in sexual activity</u>	<u>1</u>
Set 2	<u>18 U.S.C. § 2423(b)</u>	<u>Travel to engage in sexual act with minor</u>	<u>2</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: